

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESLIE WAYNE ROUILLARD, JR.,

Defendant.

CR 17-23-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Leslie Wayne Rouillard (Rouillard) has been accused of violating the conditions of his supervised release. Rouillard admitted the alleged violation. Rouillard's supervised release should be revoked. Rouillard should be placed in custody for 6 months, with no supervised release to follow. The sentence imposed on the revocation petition dated August 9, 2022, should run concurrent with the sentence imposed on the revocation petition dated June 2, 2022. Rouillard should serve his term of custody at the Roosevelt County Jail in Wolf Point, Montana, if possible.

II. Status

Rouillard pleaded guilty to Felony Child Abuse on July 11, 2017.

(Doc. 30). The Court sentenced Rouillard to 7 months of custody, followed by 3 years of supervised release. (Doc. 44). Rouillard's current term of supervised release began on February 14, 2020. (Doc. 99 at 2).

Petition

The United States Probation Office filed a Petition on August 9, 2022, requesting that the Court revoke Rouillard's supervised release. (Doc. 99). The Petition alleged that Rouillard had violated the conditions of his supervised release by using methamphetamine.

Initial appearance

Rouillard appeared before the undersigned for his initial appearance on August 23, 2022. Rouillard was represented by counsel. Rouillard stated that he had read the petition and that he understood the allegations. Rouillard waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on August 23, 2022. Rouillard admitted that he had violated the conditions of his supervised release by using methamphetamine. The violation is serious and warrants revocation of Rouillard's supervised release.

Rouillard's violation is a Grade C violation. Rouillard's criminal history category is II. Rouillard's underlying offense is a Class C felony. Rouillard could be incarcerated for up to 24 months. Rouillard could be ordered to remain on supervised release for up to 30 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

Rouillard's supervised release should be revoked. Rouillard should be incarcerated for 6 months, with no supervised release to follow. The sentence imposed on the revocation petition dated August 9, 2022, should run concurrent with the sentence imposed on the revocation petition dated June 2, 2022. Rouillard should serve his term of custody at the Roosevelt County Jail in Wolf Point, Montana, if possible.

IV. Conclusion

The Court informed Rouillard that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Rouillard of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Rouillard that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

Rouillard stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Leslie Wayne Rouillard, Jr. violated the conditions of his supervised release by using methamphetamine.

The Court **RECOMMENDS:**

That the District Court revoke Rouillard's supervised release and commit Rouillard to the custody of the United States Bureau of Prisons for 6 months, with no supervised release to follow. The sentence imposed on the revocation petition dated August 9, 2022, should run concurrent with the sentence imposed on the revocation petition dated June 2, 2022. Rouillard should serve his term of custody at the Roosevelt County Jail in Wolf Point, Montana, if possible.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure

to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 24th day of August, 2022.



John Johnston
United States Magistrate Judge